HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 29070 OF 1997

Between:

A. Lakshmaiah

… Petitioner

and

APSRTC, represented by its Executive Director, Cuddapah and others

…

Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.29070 OF 1997

ORAL ORDER:

The petitioner, a driver with the 1st respondent-Corporation, took a housing loan, repayment of which was to be in easy monthly instalments (EMI) of Rs.1627/- per month, payable over a period of 120 months. On the ground that the petitioner had, contrary to the agreement, registered the house in the name of his wife, the 3rd respondent enhanced the easy monthly instalments from Rs.1627/- to Rs.3535/- per month.

This court, by order in WPMP No.33896 of 1997 dated 5.11.1997, directed the respondents to deduct EMI at the rate of Rs.1627/- per month as fixed originally from the salary of the petitioner towards the recovery of the loan amount, pending disposal of the writ petition.

Sri N. Pramod, learned counsel appearing on behalf of the petitioner, would submit that the petitioner has, in fact, been regularly paying the monthly instalment of Rs.1627/- and that repayment of the entire loan amount would be completed shortly. Learned counsel would contend that since the enhancement of the easy monthly instalments from Rs.1627/- to Rs.3535/- was without putting the petitioner on notice and without giving him an opportunity of being heard, the action of the respondents was in gross violation of principles of natural justice.

In view of the interim directions, passed in WPMP No.33896 of 1997 dated 5.11.1997, the petitioner is said to be making payment at the original monthly instalment amount of Rs.1627/- for the past nearly a decade. The entire loan with interest is repayable for over a period of 120 months which period is to expire shortly.

While leaving it open to the respondents, if they so choose, to take action against the petitioner in accordance with law, after putting him on notice and after giving him an opportunity of being heard, ends of justice would be met if the interim orders were made the final order in the writ petition as repayment of the entire loan amount is to be completed shortly.

The writ petition is disposed of accordingly. No costs.

RAMESH RANGANATHAN, J

DATE: 7.3.2007

CVM